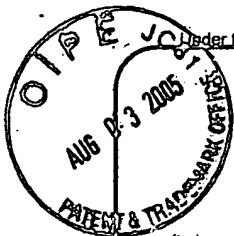


3637



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PTO/SB/21 (09-04)
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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	09 / 1754 / 031
Filing Date	1 / 02 / 2001
First Named Inventor	PAYER, WILLIAM J.
Art Unit	3637
Examiner Name	MR CHU Q NGUYEN
Attorney Docket Number	

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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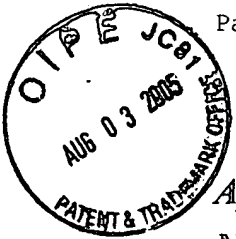
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Application: 09/754,031

Name: Payer, William J.

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Submittal Date: 1/02/2001

Examiner: Mr. Chi Q. Nguyen

Group Art Unit: 3637

~~12~~ pages

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Please accept the following:

-as response to arguments by examiner mailed 11/31/03 to applicant's communications filed 02 January 2001.

-as response to arguments by examiner mailed 6/14/04 to applicant's communications filed 02 January 2001.

-as response to arguments by examiner mailed 10/18/04 to applicant's communications filed 02 January 2001.

-as response to arguments by examiner mailed 2/18/05 to applicant's communications filed 02 January 2001.

Contents:

Response to Arguments - Comments to Response to Arguments
A Clean Version of the Amended Claims
Version with markings to show changes made

Response to Arguments

Claim Rejections – 35 USC 112

Response by applicant:

Claims have been revised in a more organized manner.

Claim Rejections – 35 USC 103

Response by applicant:

Claim 1 has been revised to demonstrate the uniqueness of the method.

- a. Simple frames are built outside of final building configurations.
- b. These frames are multi-story and a multitude.
- c. These frames are tied together by horizontal ties to make a continuous form in the final building configuration.

Response to Arguments

Response by applicant:

The reference to off site shear wall frames provided by Graham-Wood nullifies the flexibility required for construction in actual field construction. As you know, slab flatness is a variable. With built-in shear walls the frames by Graham-Wood will teeter totter or rotate about the main access of the frame. Yes, this could be grouted but the difficulty of establishing an overall height of the frame at offset of construction is difficult at best. With claim 1 frames, the flexibility is apparent and shimming is not usually required with levelness of floor slabs decided by the concrete pours.

In addition, Graham-Wood does not provide for parallel horizontal tie members between frames. As best understood the frames are placed adjacent to each other. With the horizontal ties the structure becomes complete. During erection, the flexible frame in

Claim 1 could be considered a singular built-up member by itself with new, unique properties, just as a wide flange section would have, over that of the sum of individual parts of the frame. This frame is stronger than the sum of the parts and it is considerably easier and safer to erect and considerably more stable during erection than typical non built-up member post / beam systems. The horizontal tie pieces are attached to the two so called members (frames) and allows the frames to continue to behave in a flexible manner. The horizontal pieces are also easier to install since the stability of the overall said frames is greater than that of the standard post / beam system. In addition, the addition of the horizontal pieces almost doubles the overall size of building – more building for a lower price. Graham-Wood to my understanding does not demonstrate this or understand this required flexibility or use of horizontal ties. Matter of fact, the Graham-Wood system was actually used in England years ago but did not prove to be realistic to my understanding. The system is just simple panelization with a shear wall attached with all the inherent panelization problems of size, awkwardness and lack of realization of the actual construction environment.

Previously submitted and commented on for reference only:

Claim 1 demonstrates a method in lieu of being an apparatus such as defined by Graham-Wood. Graham-Wood invention uniqueness is a shear panel installed as a finished pieces. Claim 1 demonstrates similar frames not shear panels. The post/beam construction has been in use for thousands of years. Uniquely, Claim 1 demonstrates a post / beam erection method that has not been utilize in the past. New materials including light gage steel members and new type of screws are now available to permit this type of erection. Wood provided only the fabrication of a shear panel in one piece away from the building site. Basically, Wood's panel is not different than a latticed column. With Claim 1 the lesson that is learned is that entire similar frames may be fabricated on site at ground level and easily lifted in place. These individual frames are basically the same as many other frame of the completed assemblage. These frames are not shear panels like Woods. In addition Wood's does not even provide for the girder framing within his shear panel . Claim 1 provides frames that have the girder as part of the assemblage. What is actually provided by Wood is performed these days by adding strap bracing to a stud wall.